

Notice of Allowability

Application No.

10/525,264

Examiner

Karen Cheng

Applicant(s)

BOYD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 04/19/07.
2. ☒ The allowed claim(s) is/are claims 1-6, 8-13 and 15 now renumbered as claims 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070601.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1-25 are currently pending in the instant application. Claims 7 and 16-25 have been cancelled by applicant.

Response to Amendment/Arguments

Applicants' amendment to the claims filed on 04/19/07 have been fully considered and entered into the application.

Applicants' amendments have overcome the following rejections and objections:

- The 35 USC 112 1st paragraph rejections of claims 22 and 25 have been overcome in view of applicant's cancellation of the claims.
- The 35 USC 102(b) rejection of claims 1-4, 7, 9-15, 22 and 25 have been overcome by amendment.
- The objection to claim 25 has been overcome in view of applicant's cancellation of the claim.
- The objection to the specification has been overcome.
- The 35 USC 103(a) rejection of claims 1-4, 7, 9-15, 22 and 25 have been overcome in view of the following Examiner's Amendment.
- The objections to claims 5-6 and 8 have been overcome in view of the following Examiner's Amendment.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

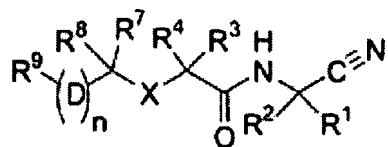
1. In **Claim 1**, delete "X is selected from the group consisting of -O" and replace with -- X is O --.
2. In **Claim 1**, delete "R⁷ is C₁₋₆alkyl," and replace with -- R⁷ is --.
3. In **Claim 8**, delete "Claim 7" and replace with --Claim 1--.
4. In **Claim 9**, delete an extra period from the end of the sentence.
5. In **Claim 12**, delete the compounds "N-(cyanomethyl)-4-methyl-2-[1-(4'-piperazin-1-yl-1,1'-biphenyl-4-yl)ethoxy]pentanamide;" which are the 5th and 6th compounds from the bottom of p. 11.
6. In **Claim 12**, delete "henyl](phenyl)" and replace with -- phenyl](phenyl) -- which is found in the 3rd compound from the bottom of p. 14.
7. In **Claim 12**, insert "and" between the last two named species i.e. "cyanocyclopropyl)-4-methylpentanamide; and (2S)-2-[(R)-[3',4'-bis(1-hydroxycyclopropyl)biphenyl-4-yl](phenyl)methoxy]-N-(1-" found on p. 16.
8. Delete **Claim 14**.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Representative Nicole Beeler on June 4, 2007.

Reasons for Allowance

This invention relates to compounds, pharmaceutically acceptable salts, stereoisomers, and pharmaceutical compositions of the formula

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wherein X is O, R⁷ is C₂₋₆ alkenyl, C₂₋₆ alkynyl, C₁₋₆

haloalkyl, aryl or heteroaryl optionally substituted as defined, D is aryl, heteroaryl, C₃₋₈ cycloalkyl or heterocycloalkyl, n is two, and the other variables are as defined. The closest prior art of record has been made of record (US Patent No. 7,012,075, see Non-Final Rejection, mailed on 02/08/07) and discloses compounds that contain R⁷ = hydrogen but fails to suggest or teach applicant's instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

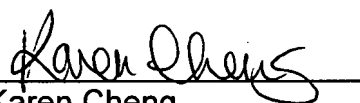
Conclusion

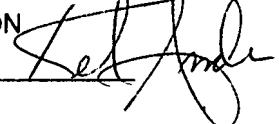
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cheng whose telephone number is 571-272-6233. The examiner can normally be reached on M-F, 9AM to 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Karen Cheng
Patent Examiner, AU 1626
5 June 2007

REBECCA ANDERSON
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